REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 3, 7, and 9 are cancelled. Claims 1-2, 4-6, 8, and 10-15 remain in the application and are submitted for the Examiner's reconsideration.

In the Office Action, claims 1-2, 4-6, 8, and 10-15 were rejected under 35 U.S.C. § 102(e) as being anticipated by Lee (U.S. Patent No. 6,950,941). Applicant submits that the claims are patentably distinguishable over Lee.

Claim 1, for example, calls for:

> a transmitting unit operable to transmit a decryption key needed to decrypt the encrypted content to the another apparatus when the authentication information is valid and *a count of a total number of apparatuses having permission to receive the encrypted content is less than a maximum value*[.] (Emphasis added.)

The relied on sections of Lee do not disclose or suggest *a count of a total number of apparatuses having permission to receive encrypted content*, and the relied on sections of Lee do not disclose or suggest transmitting a decryption key when a count of a total number of apparatuses having permission to receive the encrypted content *is less than a maximum value*.

Rather, the relied on sections of Lee merely describe that when a manufacturer requests its registration from a certificate authority (CA) (or when an ISP requests its registration from the CA), the CA validates the manufacturer and then sends it keys and certificate data. (See col.8 ll.30-33 and 43-56.) The relied on sections of the reference are not at all concerned with *counting the number of manufacturers* having permission to receive encrypted content, are not at all concerned with *counting the number of ISPs* having permission to receive encrypted content, and are not at all concerned with whether such a number *is less than a maximum value*.

Claim 1 also calls for:

a first *counting unit* operable to *increment by one the count of the total number of apparatuses having permission to receive the encrypted content* when the identification information of the another apparatus is not already stored in said storage unit and *the count of the total number of apparatuses having permission to receive the encrypted content is less than the maximum value*[.] (Emphasis added.)

The relied on sections of Lee do not disclose or suggest *a counting unit*, do not disclose or suggest *a count of a total number of apparatuses having permission to receive encrypted content*, do not disclose or suggest *incrementing by one* a count of a total number of apparatuses having permission to receive encrypted content, and do not disclose or suggest incrementing a count of the total number of apparatuses having permission to receive the encrypted content by one *when the count is less than a maximum value*.

The Examiner relies on the Abstract and on column 9, lines 54-67 of Lee as teaching the above features. However, neither one of the relied on sections of Lee is at all concerned with *counting the number of apparatuses* having permission to receive encrypted content, neither one of the relied on sections of Lee is at all concerned with *incrementing by one* such a count, and neither one of the relied on sections of Lee is at all concerned with whether such a number *is less than a maximum value*.

Claim 1 further calls for:

an information updating unit operable to delete the identification information stored in said storage unit and to *reset the count of the total number of apparatuses having permission to receive the encrypted content* when the decryption key needed to decrypt the encrypted content is changed.

The relied on sections of Lee neither disclose nor suggest *a count of a total number of apparatuses having permission to*

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receive encrypted content and neither disclose nor suggest *resetting a count* of a total number of apparatuses having permission to receive encrypted content.

Here, the Examiner relies on column 9, lines 54-67, which is described above, and on column 10, lines 1-45. However, this section of Lee describes an update token area that has different values *when content is downloaded from the LCM to the portable device* than *when content is uploaded from the portable device to the LCM*. (See col.10 ll.20-24.) Namely, the value of the token depends on *the direction in which the content is transferred* rather than on the total number of portable devices and LCMs having permission to receive encrypted content. The relied on section of Lee also describes that the UTD part may have a number of updating token data depending on the number of portable devices (PDs). (See col.10 ll.17-18.) Namely, *different updating token data exists for each PD* rather than the updating token data providing a count of the number of PDs.

It follows that, for at least these reasons, the relied-on sections of Lee do not disclose or suggest the combination called for in claim 1 and therefore do not anticipate the claim.

Independent claims 4, 5, 6, 10, and 11 each include features similar to those set out in the above excerpts of claim 1. Therefore, each of these claims is patentably distinguishable over the relied-on sections of Lee for at least the same reasons.

Claims 2 and 12 depend from claim 1, claims 8 and 13 depend from claim 6, claim 14 depends from claim 4, and claim 15 depends from claim 5. Therefore, each of these claims is distinguishable over the cited reference for at least the same reasons as the claim from which it depends.

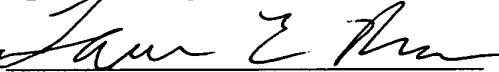Accordingly, Applicant respectfully requests the

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withdrawal of the rejection under 35 U.S.C. § 102(e).

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: July 30, 2007   Respectfully submitted,

                                By
                                Lawrence E. Russ
                                Registration No.: 35,342
                                LERNER, DAVID, LITTENBERG,
                                  KRUMHOLZ & MENTLIK, LLP
                                600 South Avenue West
                                Westfield, New Jersey 07090
                                (908) 654-5000
                                Attorney for Applicant

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